

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK, : NO: 1:CV-01-0764
 :
 PLAINTIFF, : (JUDGE CALDWELL)
 :
 VS. :
 :
 MARTIN HORN, SECRETARY, :
 PENNSYLVANIA DEPARTMENT OF :
 CORRECTIONS; ROBERT MEYERS, :
 SUPERINTENDENT, STATE CORRECTIONAL :
 INSTITUTION AT ROCKVIEW; :
 WEXFORD HEALTH SOURCES, :
 INC., HEALTH CARE PROVIDER AT :
 THE STATE CORRECTIONAL INSTITUTION :
 AT ROCKVIEW; JOHN SYMONS, :
 M.D., MEDICAL DIRECTOR, STATE :
 CORRECTIONAL INSTITUTION AT :
 ROCKVIEW; LARRY LIDGETT, :
 HEALTH CARE ADMINISTRATOR, :
 STATE CORRECTIONAL INSTITUTION AT :
 ROCKVIEW, :
 :
 DEFENDANTS :

PLAINTIFF'S MOTION TO COMPEL DISCOVERY
FOR PRODUCTION OF DEFENDANT'S, WEXFORD HEALTH SOURCES, INC.
AND JOHN SYMONS, M.D.'S DOCUMENTS

NOW, COMES THE PLAINTIFF, WILLIAM CLARK, PRO SE, AND HEREBY FILES THIS
MOTION TO COMPEL DEFENDANTS' TO PRODUCE DOCUMENTS LISTED IN THIS "MOTION
TO COMPEL DISCOVERY" AND SUPPORTING BRIEF TO FOLLOW UNDER SEPARATE COVER.

"DEFENDANTS" NAMED WEXFORD HEALTH SOURCES, INC., AND JOHN SYMONS, M.D.,
BY AND THROUGH THEIR ATTORNEY, JAMES D. YOUNG, ESQUIRE.

DOCUMENTS TO INCLUDE, IN THE WORD "DOCUMENTS" AS HEREIN USED, INCLUDES
BUT NOT LIMITED TO, DRAWINGS, REPORTS, STATEMENTS AND MEMORANDA, EVALUATIONS,
LAB ANALYSIS, AS WELL AS OTHER DOCUMENTS AS DEFINED IN RULES, PERTAINING
TO PLAINTIFF IN HIS INCARCERATION PERIODS, AND ANY AND ALL DOCUMENTS OF
PROCESS USED IN PLAINTIFFS SAID "HEALTH CARE" PREPARED, CREATED, ANALYZED,
BY WEXFORD HEALTH SOURCES, INC. AND JOHN SYMONS, M.D.

41
ORIGINAL
FILED
HARRISBURG, PA
JUN 06 2002
MARY E. D'ANDREA, CLERK
Per [Signature] Deputy Clerk

PLAINTIFF PRESENTS TO THIS HONORABLE COURT:

ON JANUARY 2, 2002, PLAINTIFF SERVED "WEXFORD HEALTH SOURCES, INC. DEFENDANTS" WITH A REQUEST FOR "PRODUCTION OF DOCUMENTS".

BY MEMORANDUM AND ORDER DATED MAY 20, 2002, THIS HONORABLE COURT DENIED THE CORRECTIONS DEFENDANTS' MOTION FOR A PROTECTIVE ORDER AND DIRECTED DEFENDANTS HORN AND LIDGETT TO RESPOND TO PLAINTIFF'S INTERROGATORIES WITHIN FORTY-FIVE (45) DAYS.

THIS HONORABLE COURT IN ORDER, HAS ALSO AFFORDED PLAINTIFF THIRTY (30) DAYS FROM RECEIPT OF DEFENDANTS' DISCOVERY RESPONSES TO FILE AN APPROPRIATE RESPONSE TO CORRECTIONS DEFENDANTS MOTION FOR SUMMARY JUDGMENT.

ON MAY 22, 2002, THE DOCUMENT, "DEFENDANTS, WEXFORD HEALTH SOURCES, INC. AND DR. SYMONS' RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS" WAS SERVED UPON PLAINTIFF BY U.S. MAIL.

ON MAY 22, 2002, DEFENDANTS, WEXFORD HEALTH SOURCES, INC., AND JOHN SYMONS, M.D. FILED FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S INTERROGATORIES, AND SERVED SAME UPON PLAINTIFF BY U.S. MAIL.

ON MAY 29, 2002 THIS HONORABLE COURT BY ORDER GRANTED "DEFENDANTS" MOTION FOR ENLARGEMENT OF TIME.

PLAINTIFF IS PREJUDICED BY "DEFENDANTS" AND DISADVANTAGED AS A RESULT OF THEIR ACTIONS OR INACTIONS ELUCIDATED IN SUPPORTING BRIEF.

NOW, PLAINTIFF REQUESTS THIS HONORABLE COURT TO COMPEL DEFENDANTS PRODUCE FOR DISCOVERY: -

ANY AND ALL DOCUMENTS AS "DEFENDANTS" HAVE BEEN IN DEFAULT OF REQUESTS SINCE JANUARY 2, 2002.

PARTICULARLY: -

1. EACH AND EVERY COPY OF REQUESTS SLIPS (MEANING "SICK CALL SLIPS" OR "REQUESTS TO MEDICAL") AND ANY AND ALL RESPONSES TO SAME FROM PRISON OR MEDICAL DEPARTMENT PERSONAL RELATING TO PLAINTIFF'S QUESTIONS OR REQUESTS PERTAINING TO HIS HEPATITIS C.

2. PROVIDE COPIES OF ALL PRIOR DRAFT CRITERIA ESTABLISHED BY THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS AND/OR WEXFORD HEALTH SOURCES, INC., AND STATE WHETHER OR NOT THEY WERE EVER APPROVED, PUT INTO FORCE, OR USED TO MAKE ANY DETERMINATION FOR TREATMENT OF INDIVIDUALS WITH HEPATITIS C. FROM 1985 - PRESENT AT S.C.I. GRATERFORD AND S.C.I. ROCKVIEW.

3. STATE THE DATE EACH SUCH DRAFT CRITERIA WAS COMPLETED, AND THE NAMES OF ANY AND ALL INDIVIDUALS WHO WORKED ON, ASSISTED, OR IN ANY WAY, SHAPE, OR FORM CONTRIBUTED TO THE CREATION OF SAID GUIDELINES DRAFTS.

4. PROVIDE A COPY OF THE CURRENT HEPATITIS C TREATMENT PROTOCOL, AND PROVIDE THE DATE IT WAS IMPLEMENTED, INCLUDING ANY COPIES OF REVISIONS, THE DATES OF EACH REVISION, THE NAMES OF ANY AND ALL INDIVIDUALS WHO WORKED ON, ASSISTED, OR IN ANY WAY, SHAPE, OR FORM CONTRIBUTED TO THE CREATION OF SAID PROTOCOL(S).

5. PROVIDE A COPY OF EACH AND EVERY EVALUATION FOR ELIGIBILITY FOR INTERFERON/RIBAVIRIN TREATMENT PROTOCOL WHICH WAS PERFORMED ON PLAINTIFF WITH REGARDS TO HIS HEPATITIS C.

6. PROVIDE A COPY OF PLAINTIFF'S COMPLETE MEDICAL RECORD.

PLAINTIFF IS DISADVANTAGED AND THESE DOCUMENTS ARE NEEDED IN CONCERT WITH THE INTERROGATORIES AND A PROPER PROCESS ACCORDING TO THIS COURT'S STANDARDS WILL HELP PLAINTIFF TO PROCEED IN AN UNHAMPERED MANNER AS BEST AS PLAINTIFF IS QUALIFIED TO PROCEED IN HIS CAPACITY.

THIS HONORABLE COURT HAS JURISDICTION TO ENJOIN THE "DEFENDANTS" FROM WITHHOLDING ANY "DOCUMENTS" AND TO ORDER THE PRODUCTION OF ANY "DOCUMENTS" WHICH ARE IMPROPERLY WITHHELD FROM PLAINTIFF.

OR IN THE ALTERNATIVE THIS HONORABLE COURT IS EMPOWERED TO INVOKE ITS JURISDICTION FOR THE PRODUCTION OF SUCH "DOCUMENTS" AND IN SUCH CASE THE COURT SHALL DETERMINE THE MATTER DE NOVO, AND MAY EXAMINE THE CONTENTS OF SUCH DOCUMENTS IN CAMERA TO DETERMINE WHETHER SUCH DOCUMENTS OR ANY PART SHALL BE WITHHELD FROM PLAINTIFF.

WHEREFORE PLAINTIFF PRAYS, ACCORDING TO FEDERAL RULES OF CIVIL PROCEDURES, RULE # 37, AND THE AFOREMENTIONED REASONS, AND BRIEF IN SUPPORT OF MOTION TO COMPEL, THIS HONORABLE COURT GRANTS PLAINTIFF'S "MOTION TO COMPEL DISCOVERY OF DOCUMENTS" AND ORDERS "DEFENDANTS" TO PRODUCE THE COMPLETE DISCOVERY DOCUMENTS REQUESTED TO PLAINTIFF OR THIS HONORABLE COURT WITHIN 30 DAYS OF THIS FILING.

DATE: JUNE 4, 2002

RESPECTFULLY SUBMITTED;

A handwritten signature in cursive script, appearing to read "William Clark", is written over a horizontal line.

WILLIAM CLARK, PRO SE

CERTIFICATE OF SERVICE

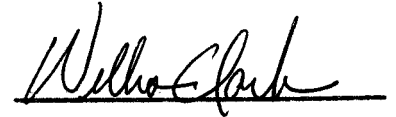
I, WILLIAM CLARK, CERTIFY I HAVE THIS DAY SERVED UPON THE BELOW INDICATED PERSON(S) "PLAINTIFF'S MOTION TO COMPEL DISCOVERY FOR PRODUCTION OF DEFENDANTS', WEXFORD HEALTH SOURCES, INC. AND JOHN SYMONS, M.D.'S DOCUMENTS", BY PLACING SAME IN THE UNITED STATES MAIL, POSTAGE PREPAID, ADDRESSED AS FOLLOWS:

JAMES D. YOUNG, ESQ.
301 MARKET STREET, SUITE 300
P.O. BOX 1245
HARRISBURG, PA. 17108-1245

JOHN J. TALABER, ESQ.
OFFICE OF CHIEF COUNSEL
55 UTLEY DRIVE
CAMP HILL, PA. 17011

DATE: JUNE 4, 2002

RESPECTFULLY SUBMITTED:

A handwritten signature in dark ink, appearing to read "William Clark", written over a horizontal line.

WILLIAM CLARK, PRO SE
BOX A, AY-5585
BELLEROSSE, PA. 16823